measure. It is not clearly stated whether this is a cognizable offence or a non-cognizable offence and whether it is bailable or not. The procedure that has to be adopted by the Government to punish persons or institutions which violated the provisions of Clause 13 has not been stated. I think that provision is also necessary in this Act.

THE HON. SRI M. A. MANICKAVELU : Sir, I think the year 1956 is to be mentioned as a crucial date. We have to make some provision as to the state of affairs before that year. So, that thing is specifically mentioned. But anything after the year will be governed by the Act. So, I think that is why there was no mention about it.

MR. SPEAKER : The question is—

" That the Madras Nurses and Midwives (Amendment) Bill, 1960 (L.A. Bill No. 22 of 1960), be taken into consideration."

The motion was put and carried, and the Bill was taken into consideration. 12 a.m.

Clauses 2 to 16 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

" That the Madras Nurses and Midwives (Amendment) 1960 (L.A. Bill No. 22 of 1960), be passed."

MR. SPEAKER : The question is—

" That the Madras Nurses and Midwives (Amendment) 1960 (L.A. Bill No. 22 of 1960), be passed."

The motion was put and carried and the Bill was passed.

TRUTH ALONE TRIUMPHS

VI. RULING RE. OMISSION OR WITHDRAWAL OF A CLAUSE IN A BILL.

MR. SPEAKER : Before we adjourn, I should like to answer the point raised by the Hon. Minister for Industries this morning.

THE HON. SRI R. VENKATARAMAN : Sir, may I first make my point and then you can give your ruling.

MR. SPEAKER : Yes.

* THE HON. SRI R. VENKATARAMAN : Sir, I am only raising it for academic interest. The rule that an amendment seeking to delete a Clause is not permissible, is derived from May's Parliamentary Practice. It says that no amendment shall seek to delete a clause. That is to say, if any Member or Opposition Member wants that a particular clause should be omitted, he has to vote it down and he cannot seek to delete it.

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Then the second proposition is that a person who moves an amendment has the right to withdraw his amendment with the permission of the House. In that case it has to be the unanimous permission of the House. Even if a single Member objects to the withdrawal of the amendment, then no permission would be given.

The question arose for the first time in the Parliament when they discussed the People's Representation Act. Dr. Ambedkar moved that Clause 4 of the Bill be withdrawn but a number of other Members of the House had given notice of amendments to that Clause 4. The principle is that by some subterfuge procedure, the rights of other Members of the House should not be deprived, that is to say, by withdrawing the Clause, others who want to move their amendments should not be deprived of their right to move their amendments. Therefore, the Hon. Speaker of the Lok Sabha held that in that case if there are amendments to a clause, the clause has necessarily to be put to vote and it cannot be withdrawn. Now I will read the Speaker's ruling contained in Parliamentary Debates, Volume VII, dated 21st December 1950.

" The regular procedure will be that I put the clause to the House first and those who want that it should be omitted will vote against the clause. But as the hon. Dr. Ambedkar had put in an amendment saying that the clause be omitted and assuming that that amendment stands the chance of being carried, I thought I may not as well put the clause before the House. Consequentially, it follows that the amendments sought to be moved to clause 4 by all other hon. Members will fall through, if I do not put Clause 4. Now there are other amendments and unless any hon. Member wants to move his amendment, I am not going to put Clause 4................"

What the Hon. Speaker said was that if other people did not want to move their amendments, then he would not put Clause 4 and only if they wanted to move them, he would put the clause. Then he goes on to say—

" The implication of my not putting Clause 4 will be that all the amendments tabled by a large number of hon. Members will fall through automatically."

It is based on a sound principle that if a Member can withdraw his amendment, the Minister also can withdraw a clauseprovided the whole House gives unanimous vote for it. However, I know that in subsequent proceedings of the Lok Sabha, without understanding the difference between a clause with amendments and a clause without amendments, they have stated that in all cases uniformly that the clause had better be put to vote and then defeated. Sir, I want to put this on record for some future reference that that ruling is not very sound.

MR. SPEAKER : I am thankful to the Hon. Minister for his clarification. He possesses more Parliamentary knowledge than myself but I am not aware of what was behind the ruling given in

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the Parliament. Here I am following certain established principles and practices. In May's Parliamentary Practice under the heading ' Inadmissible Amendments ' it is stated—

" An amendment to leave out a clause is not in order, as the proper course is to vote against the clause standing part of the bill... "

Then in the Lok Sabha on the 10th February 1960 when the Government Member wanted to withdraw a Clause, the Deputy Speaker then in the Chair said that he would put it to the vote of the House and then it could be negatived. Similarly on 11th February 1960 when the Deputy Minister for Rehabilitation, Shri Naskar wanted to withdraw a Clause, the Deputy Speaker then in the Chair said that that should have to be done by putting it to vote and the House rejecting it. Perhaps after these instances, the Lok Sabha have adopted the following priciple which I shall read now.

" If the member in charge of a Bill desires to omit a clause from the Bill, the normal procedure is to put the clause to the vote of the House and have it negatived, as an amendment to omit the clause is not in order, being negative in character. It is not also permissible to move for withdrawal of a clause, as, once a Bill is introduced, the Bill as a whole is before the House."

It is only in accordance with this principle that I have given the ruling that once a Bill is introduced, the Minister in charge of the Bill cannot withdraw a clause but that it must be put to vote and negatived. I think I am not casting any reflection on the Parliamentary experience of the Hon. Minister but I am only following the rules and regulations in practice. So, I maintain that what I have stated before is correct even now. But I am glad that he has raised this point for clarification because hon. Members, particularly lawyer–Members of this House should not be under the impression that if an hon. Member who has moved an amendment is entitled to withdraw it, the Hon. Minister is also entitled to withdraw a clause. He cannot withdraw it and it must be put to vote and then negatived. We in India will follow the rulings of the Lok Sabha.

The House will now adjourn and meet again at 8-30 a.m. on Monday, the 22nd August 1960." 12-03 p.m.

The House then adjourned.

VII. PAPERS LAID ON THE TABLE OF THE HOUSE.

A—Statutory Rules and Orders.

113. *Notification issued with G.O. Ms. No.* 3224, *Industries, Labour and Co-operation (Labour), dated* 30*th June* 1960, *exempting beedi industrial premises in certain districts from licensing provision under the Madras Beedi Industrial Premises*